

Armand H. Antommaria , M.D., Ph. D. September 7, 2023
Zayre-Brown, Kanautica Vs. North Carolina Department Of Public Safety, Et Al.

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF NORTH CAROLINA
3 CHARLOTTE DIVISION

* * *

5 KANAUTICA ZAYRE-BROWN,

6 Plaintiff,

7 vs. CASE NO. 3:22-cv-191

8 NORTH CAROLINA DEPARTMENT

9 OF PUBLIC SAFETY, et al.,

10 Defendants.

* * *

12 Videotaped deposition of ARMAND H.
13 ANTOMMARIA, M.D., Ph.D., Expert Witness herein,
14 called by the Defendants for cross-examination
15 pursuant to the Rules of Civil Procedure, taken
16 before me, Vicky L. Marcon, a Notary Public within
17 and for the State of Ohio, at the offices of
18 Regus, PNC Center, 201 E. 5th Street, Suite 1900,
19 Cincinnati, Ohio, on Thursday, September 7, 2023,
20 at 9:00 a.m. Eastern

* * *

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1 sir.

2 MR. RODRIGUEZ: All right. This is a
3 good natural stopping point for a break. If you
4 guys are good with it, we'll just do a quick five.

5 THE VIDEOGRAPHER: We're off the
6 record at 10:13 a.m.

7 (Break taken.)

8 THE VIDEOGRAPHER: We're back on the
9 record at 10:21 a.m.

10 BY MR. RODRIGUEZ:

11 Q. Okay. As you were preparing your
12 report, who did you speak with aside from any
13 attorneys for the plaintiff?

14 A. I don't believe anyone else, sir.

15 Q. So, you didn't speak with Dr.
16 Ettner?

17 A. No, sir.

18 Q. All right. And, as you were
19 preparing your report, what materials did you
20 review?

21 A. Um --

22 Q. You don't have a copy of it.

23 A. Oh, you haven't given me the
24 report. If I -- as I stated in the report, I
25 reviewed Dr. Ettner's report, Dr. Li's report,

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1 the information attached to those reports, and
2 other relevant background information, which is
3 cited in the content of my report.

4 Q. Did you review any materials that
5 are not listed in your report?

6 A. No, sir.

7 Q. So, then, you didn't review any
8 medical records of the plaintiff?

9 A. No, sir, I did not.

10 Q. You didn't review any mental
11 health records of the plaintiff?

12 A. No, sir, I did not.

13 Q. Did you -- you didn't review,
14 then, the department's policy concerning the
15 evaluation, management and treatment of
16 transgender offenders?

17 A. So there were attachments to Dr.
18 Ettner's report which included, to the best of
19 my knowledge, some institutional policies, but
20 I would need to refer to the report to refresh
21 my memory about the specific titles of those
22 policies or reports or --

23 Q. Okay. Did you review the expert
24 report of Dr. Penn?

25 A. No, sir.

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1 Q. Did you review the expert report
2 of Dr. Boyd?

3 A. No, sir.

4 Q. Did you read the deposition
5 transcript of Dr. Penn?

6 A. No, sir.

7 Q. Deposition transcript of Dr. Boyd?

8 A. No, sir.

9 Q. Did you review any deposition
10 transcripts?

11 A. No, sir.

12 Q. When you sat down to begin working
13 on your report, were you supplied any
14 assumptions?

15 A. Can you clarify what you mean by
16 supplied with assumptions, sir?

17 Q. Yeah. Were you -- when you were
18 engaged in this case, were you given a set of
19 assumptions to just assume were the case in
20 preparation of your report?

21 A. No, sir, I was not.

22 Q. So, aside from reviewing the
23 materials that you list in your report as
24 reviewing, and speaking with counsel for the
25 plaintiff, did you do anything else to prepare

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1 for your report or to prepare in writing your
2 report?

3 A. To -- if by that I reference in my
4 report is included the scientific literature
5 that I reviewed and incorporated into my
6 report, no. That's the comprehensive scope of
7 my preparation for writing the report, sir.

8 Q. All right. Are all of your
9 opinions provided in your report?

10 MS. NOWLIN-SOHL: Object to form.

11 THE WITNESS: I'm sorry, sir, I don't
12 understand what you're asking.

13 Q. Sure.

14 A. I have lots of opinions.

15 Q. Right. Well, your opinion about,
16 you know, the Cincinnati Reds, or whatever,
17 doesn't -- that's not what I was getting at.
18 So, I'll ask a different question. Are all of
19 the opinions that you intend to offer in this
20 case listed in your report?

21 A. At this time, yes, sir.

22 Q. Are you aware of any opinions, or
23 do you have any opinions about this case that
24 are not listed in your report that you intend
25 to offer?

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1 A. No, sir.

2 Q. So, are you offering any opinions
3 in this case, then, about the medical necessity
4 of any particular procedure requested by the
5 plaintiff?

6 MS. NOWLIN-SOHL: Object to form.

7 THE WITNESS: So, aspects of my
8 report touch upon the issue as to whether or not
9 gender-affirming medical care is medically
10 necessary.

11 Q. In general?

12 A. Yes, sir, in general.

13 Q. And so, as it relates to a
14 procedure requested by this plaintiff, are you
15 offering any opinions in your report about
16 medical necessity?

17 A. No, sir.

18 Q. Are you offering any opinions in
19 this report about how the department applies
20 the phrase medical necessity?

21 A. No, sir, I'm not.

22 Q. Are you offering any opinions in
23 this report about whether the plaintiff should
24 have ever been housed at a male correctional
25 facility?

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1 A. No, sir, I am not.

2 Q. Are you offering any opinions
3 about the timeliness of the plaintiff's
4 transfer to a female correctional facility?

5 A. No, sir, I am not.

6 Q. Are you offering any opinions
7 about the provision of hormone indication to
8 the plaintiff?

9 A. No, sir, I am not.

10 Q. Are you offering any opinions
11 about the Division Transgender Accommodation
12 Review Committee's evaluation of the
13 plaintiff's request for a vulvoplasty?

14 A. No, sir, I am not.

15 Q. Are you offering any opinions
16 about the department's policy for the
17 evaluation and management of transgender
18 offenders?

19 A. No, sir, I am not.

20 Q. Are you offering any opinions
21 about the department's personnel that sit on
22 the Division Transgender Accommodation Review
23 Committee?

24 A. No, sir, I am not.

25 Q. Are you offering any opinions

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1 about the qualifications of the personnel that
2 sit on the Division Transgender Accommodation
3 Review Committee?

4 A. No, sir, I am not.

5 Q. Are you offering any opinions
6 about the processes that the Division
7 Transgender Accommodation Review Committee
8 uses?

9 MS. NOWLIN-SOHL: Object to form.

10 THE WITNESS: To the best of my
11 knowledge, sir, no, I am not.

12 Q. Are you offering any opinions
13 about the provision of healthcare to the
14 plaintiff?

15 MS. NOWLIN-SOHL: Object to form.

16 THE WITNESS: So, sir, I'm offering
17 opinions about the criteria that should be
18 utilized in order to determine whether or not
19 gender-affirming surgical treatment is medically
20 necessary for the patient. So, some of the
21 opinions that I am offering touch on that issue
22 but not -- touch on that issue.

23 Q. The medical necessity issue is a
24 general issue not specific to this particular
25 patient?

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1 A. Correct. It is a general issue.

2 Q. So, are you offering any opinions
3 about the provision of mental healthcare to
4 this particular patient?

5 A. No, sir.

6 Q. Are you offering any opinions
7 about the state of the plaintiff's mental
8 healthcare? Or excuse me. I'll ask a new
9 question. Are you offering any opinions about
10 the state of the plaintiff's mental health?

11 A. No, sir, I am not.

12 MR. RODRIGUEZ: All right. What are
13 we on, six? For the witness.

14 THE WITNESS: Thank you.

15 (Thereupon, Exhibit 6, Expert Report
16 of Fan Li, PhD, was marked for identification.)

17 BY MR. RODRIGUEZ:

18 Q. Do you recognize this document,
19 Dr. Antommari?

20 A. Yes, sir.

21 Q. What is it?

22 A. It appears to be Dr. Li's report,
23 including the appendices.

24 Q. The -- if you turn to page 12, Dr.
25 Li writes, in the second sentence there at the

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1 top, this assertion cites 21 references. And
2 I'll represent to you that this assertion that
3 Dr. Li is referring to appears on the previous
4 page as WPATH Assertion 1. Did you review any
5 of those 21 references that are cited in
6 support of WPATH Assertion 1?

7 A. So, minimally I reviewed da Silva
8 and Lindqvist.

9 Q. And is da Silva one of the cases
10 that you referenced reviewing, or one of the
11 studies that you referenced reviewing earlier
12 today in preparation for your deposition?

13 A. Yes, sir.

14 Q. It is?

15 A. Yes, sir.

16 Q. Is that the La Costa one, or is
17 that the Papadopoulos one, or the Scandinavian
18 one?

19 A. Oh. So, I misspoke, sir. It
20 would be what I erroneously referred to as La
21 Costa.

22 Q. It was da Silva instead?

23 A. Yes.

24 Q. Okay.

25 A. And it's D-A S-I-L-V-A.

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1 Q. All right. So, da Silva you said
2 you reviewed it minimally. What does that
3 mean?

4 A. I read the article, sir.

5 Q. All right. And then what was the
6 second study, the other study you said you
7 referenced, or you reviewed?

8 A. Lindqvist. L-I-N-D-Q-V-I-S-T.

9 Q. All right. Is that the
10 Scandinavian study?

11 A. Yes, sir.

12 Q. Okay. And that third study that
13 you referenced, Papadopoulos, you mentioned
14 earlier that you looked at that study in
15 preparation of your deposition. Do you know if
16 that was one of these 21 studies? And for ease
17 of reference, the reason why I included the
18 appendix to this one is because it lists all of
19 the studies.

20 A. So, to the best of my knowledge,
21 sir, or to the best of my recall, no, I believe
22 that it's referenced later in Dr. Li's report.

23 Q. Okay. So, aside from da Silva and
24 Lindqvist, have you reviewed any of the other
25 19 studies referenced by Dr. Li here?

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1 A. So, I try to maintain my
2 familiarity with the literature, sir, and may
3 have read them in my work in this field but do
4 not recall reviewing them in particular in
5 preparation for my report.

6 Q. Okay. Page 15 of Dr. Li's report,
7 the last sentence on that page, he says, this
8 assertion -- which, again, I'll represent is
9 WPATH Assertion 2, which appears on the same
10 page. Quote, this assertion cited 25 studies,
11 15 of which were cited also in WPATH Assertion
12 1. Do you know if you reviewed any of the
13 balance of those studies or any of the ten
14 other studies that were not referenced in
15 WPATH 1?

16 A. To the best of my knowledge, sir,
17 I did not review any of the balance of the
18 studies.

19 Q. All right.

20 A. And doing so was not necessary to
21 the formation of my opinion in my report.

22 Q. Okay. We'll turn to page 17,
23 middle of the page there beneath the paragraph
24 WPATH Assertion 6. The next full paragraph
25 starts, Brown and Jones. Did you review Brown

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1 and Jones, 2015?

2 A. Not to the best of my knowledge,
3 sir.4 Q. Okay. Same page, WPATH Assertion
5 10, flip to page 18, first clause there, this
6 assertion cites 26 references. Did you review
7 any of those studies?8 A. So, on page 18, Papadopoulos,
9 P-A-P-A-D-O-P-U-L-O-S, is listed.

10 (Zoom interruption.)

11 MR. RODRIGUEZ: John, you're not on
12 mute anymore, bud. There you go.

13 THE WITNESS: As well as da Silva.

14 Q. All right. So, there's
15 Papadopoulos is referenced in there, and then da
16 Silva is also referenced. Beyond da Silva and
17 Papadopoulos, did you review any of these
18 studies, any of the other 26 studies, or 24
19 studies?20 A. Not to the best of my knowledge,
21 sir.22 Q. All right. Page 19, with respect
23 to WPATH Assertion 11, Dr. Li writes that, this
24 assertion cites two references. Did you review
25 either of those two?

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1 A. No, sir.

2 Q. And then dropping down with
3 respect to Ettner Assertion 1, Dr. Li writes,
4 this assertion cited three references. Did you
5 review any of those references?

6 A. So, I only see one of the three
7 listed on page 19, and I did not review that.
8 I don't immediately see what the other two
9 were, sir.

10 Q. I can tell you in one second.

11 A. Thank you, sir.

12 Q. So, the first one is the Pfafflin
13 and Junge, which I believe is the one that's
14 stated there in the document, and then the
15 other is Smith, et al., 2005. It appears on --
16 in the appendix. Unfortunately, it's not
17 numbered.

18 MS. NOWLIN-SOHL: May I show him?

19 MR. RODRIGUEZ: Yes.

20 THE WITNESS: Sir, I believe I'm
21 familiar with other studies in the same cohort
22 that's reported by Smith, et al., and I did not
23 review the third study listed.

24 Q. Okay. Page 20, Dr. Ettner's
25 Assertion 2, she references Gijs and Brewayes.

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1 Did you review that?

2 A. No, sir, I did not.

3 Q. That study apparently analyzed 18
4 other studies. Did you review any of the other
5 studies referenced in Gijs and Brewayes?6 A. So, Dr. Li's management of
7 systematic reviews is complicated, because she
8 discusses the reviews but not the individual
9 studies reported in the reviews. And so, I
10 don't know -- and I don't believe she actually
11 lists the other 18 studies. So, no, sir, I
12 don't -- I may have reviewed them in other
13 contexts. So, I don't --14 Q. Well, you didn't review Gijs and
15 Brewayes in the context of preparing your
16 report?17 A. No, sir. And I didn't explicitly
18 review the 18 studies that they listed, but I
19 may be familiar with those studies through
20 other work.21 Q. Okay. Page 21, Ettner Assertions
22 5 through 9, the next paragraph below that
23 Dr. Et -- or Dr. Li writes, quote, first among
24 the 24 cited references. Did you review any of
25 those studies for purposes of writing your

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1 report?

2 A. No, sir, I did not.

3 Q. And page 22, Dr. Ettner Assertion
4 10 refers to a single paper, which is Bauer, G.
5 and Scheim, 2015. Do you recall reviewing that
6 in preparation of your report?7 A. I'm sorry. You're on page 22,
8 Ettner Assertion 10, sir?9 Q. Yeah. And the actual study is not
10 listed there. So, you have to use the appendix
11 to --

12 A. No, sir, I did not.

13 Q. On page 23, Ettner Assertion 11,
14 Dr. Li writes, this assertion cites Brown and
15 McDuffie, 2009. Did you review that?

16 A. No, sir, I did not.

17 Q. Same page, Ettner Assertion 12,
18 Dr. Li refers to the meta-analysis, which it
19 said is Weinforth, et al., 2019. Did you
20 review that?

21 A. I did not, sir.

22 Q. That meta-analysis was a
23 literature review of 13 studies. Did you
24 review any of those 13 studies that would have
25 been referenced in Weinforth for purposes of

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1 drafting your report?

2 A. So, my testimony would be the
3 same, sir. I may be familiar with some of
4 those 13 studies, but I did not review
5 Weinforth at all and so did not explicitly look
6 for those 13 studies and explicitly review them
7 for the purposes of writing my report.

8 Q. So, are you offering any opinions
9 about whether the studies that Dr. Li discusses
10 in her report and that are contained in the
11 appendix, whether any of those studies provide
12 rigorous and consistent statistical evidence on
13 the benefits of quality of life and well-being
14 for gender-affirming surgery?

15 MS. NOWLIN-SOHL: Object to form.

16 THE WITNESS: I am offering opinions
17 about what Dr. Li identifies as rigorous and
18 consistent and reasonable evidence, and, in
19 particular, as that applies to the -- so, in
20 general, that is my primary opinion but do have
21 opinions regarding how that applies to the three
22 studies that we have mentioned previously.

23 Q. Okay. I'm going to have to ask
24 the question, I guess, differently, because
25 that wasn't quite what I was asking, or perhaps

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1 it was and we're just talking past each other.

2 So, you just testified that you didn't review
3 the vast majority of the studies referenced in
4 Dr. Li's report. Is that accurate?

5 A. Yes, sir.

6 Q. And you didn't review the vast
7 majority of the -- you reviewed a handful of
8 those studies. Correct? Right? You said you
9 reviewed three of them?

10 A. Yes, sir.

11 Q. And you said that you reviewed --
12 you may be familiar with some of the other
13 studies in other contexts. Correct?

14 A. Correct.

15 Q. But with the exception of those
16 three, you just testified that you didn't
17 review any of the other studies that are listed
18 in here for purposes of writing your report.
19 Right?

20 A. Correct, sir.

21 Q. So, my question is whether you're
22 offering an opinion about whether those studies
23 that are specifically referenced in this report
24 by Dr. Li, whether those studies provide
25 rigorous and consistent statistical evidence on

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1 the benefit of quality of life and well-being
2 for gender-affirming surgery?

3 MS. NOWLIN-SOHL: Object to form.

4 THE WITNESS: So, yes, I am, sir,
5 because I'm offering an opinion as to what -- that
6 Dr. Li mischaracterizes what constitutes rigorous
7 and consistent, and because her broad category is
8 inappropriately characterized in terms of making
9 medical decisions, that opinion has implications
10 for her characterization of the individual
11 studies.

12 Q. So, you're making -- so, you are
13 offering an opinion about whether these
14 specific studies provide rigorous and
15 consistent statistical evidence without having
16 reviewed all of the studies, with the exception
17 of three?

18 MS. NOWLIN-SOHL: Object to form.
19 Mischaracterizes prior testimony.

20 THE WITNESS: So the predominant
21 opinion that I am offering is that, again, that
22 Dr. Li's criteria for rigorous and consistent is
23 an inappropriate criteria.

24 Q. Let me ask this question. Are you
25 offering any opinions about these studies and

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1 whether these studies provide rigorous and
2 statistical support for quality of life and
3 well-being of gender-affirming surgery, these
4 specific studies?

5 MS. NOWLIN-SOHL: Object to form.

6 Asked and answered.

7 THE WITNESS: So, Dr. Li's report
8 characterizes the methodology of the studies that
9 she cites, including the studies being, some
10 studies being prospective observational studies
11 with before and after comparisons and other
12 studies being cross-sectional studies. And I am
13 offering an opinion that those types of study
14 designs offer sufficient evidence for the safety
15 and efficacy of medical treatments.

16 Q. So, is that a no, that you're not
17 offering an opinion about whether these
18 specific studies provide rigorous and
19 consistent support for benefits of quality of
20 life and well-being for gender-affirming
21 surgery?

22 MS. NOWLIN-SOHL: Object to form.

23 Asked and answered. Argumentative.

24 THE WITNESS: Can you restate your
25 question, sir?

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1 Q. So, I think I understand what
2 you're saying, that you're saying that you are
3 providing an opinion about the nature, the type
4 of studies that can lend support. Is that what
5 you're saying?

6 MS. NOWLIN-SOHL: Object to form.

7 Q. The characterization of the
8 studies is what you're testifying about and
9 that the cross-sectional and longitudinal
10 observational studies can provide support for
11 procedures?

12 MS. NOWLIN-SOHL: Object to form.
13 Mischaracterizes prior testimony.

14 THE WITNESS: So, my report describes
15 that clinical practice guidelines are ideally
16 based on systematic reviews of the literature, and
17 systematic reviews of the literature characterize
18 the quality of the evidence, and that systematic
19 reviews then make recommendations, particular
20 treatment recommendations and characterize the
21 strength of the recommendations, and that those
22 recommendations can be based on what is referred
23 to as, in terms of art, as high, moderate, low or
24 very low quality evidence.

25 The studies that Dr. Li cites include

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1 observational studies which can provide and
2 potentially do provide justification for
3 gender-affirming surgical care. And so, as to the
4 best as I understand your question, the answer is
5 no. I am offering opinions about the adequacy of
6 the studies which are cited in Dr. Li's report to
7 support gender-affirming surgical care.

8 Q. So, you're offering an opinion
9 about the adequacy of the studies cited in Dr.
10 Li's report without having reviewed the
11 majority of those studies?

12 A. So, there is sufficient
13 information about those studies contained in
14 Dr. Li's report, with trusting that Dr. Li
15 characterized those studies accurately, and I
16 had no reason in reviewing her report to
17 believe that she characterized them
18 inaccurately in terms of their methodology and
19 results, that there is sufficient information
20 in the report to believe that they provide
21 sufficient evidence to support gender-affirming
22 surgical care.

23 Q. Okay. So, you are -- I'm just
24 trying to make sure I understand. So, you're
25 saying that you are offering an opinion about

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1 whether the specific studies referenced in Dr.
2 Li's report provide rigorous and consistent
3 statistical evidence on the benefit of the
4 quality of life and well-being of
5 gender-affirming surgery without having
6 reviewed the vast majority of those studies?

7 MS. NOWLIN-SOHL: Object to form.

8 Asked and answered. Argumentative.

9 THE WITNESS: So, sir, your question,
10 as best I understand it, has multiple subparts.
11 Again, I -- my -- it is my opinion that Dr. Li's
12 characterization about what constitutes rigorous
13 and consistent evidence is inaccurate.

14 Q. And that's based on your review --
15 it's not based on your review of the studies.
16 So what is that based on?

17 MS. NOWLIN-SOHL: Object to form.

18 THE WITNESS: So, again, in my report
19 I reference the literature relevant to the
20 development of clinical practice guidelines and
21 treatment recommendations, including the GRADE
22 recommendations.

23 THE COURT REPORTER: The what
24 recommendations?

25 THE WITNESS: G-R-A-D-E, all

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1 capitalized.

2 Q. Does your report contain any
3 information about whether any of these studies
4 provide support for the assertions for which --
5 to which they're referenced? I understand
6 you're talking about clinical practice
7 guidelines and treatment recommendations.

8 A. So --

9 MS. NOWLIN-SOHL: Object to form.

10 THE WITNESS: So, in part, Dr. Li's
11 report analyzes the support for the WPATH
12 standards of care, which is a clinical practice
13 guideline, as well as the endocrine society's, and
14 she doesn't specifically mention, but in addition
15 to the endocrine society's clinical practice
16 guideline, which references a comparable body of
17 literature. So, yes, her report does address
18 clinical practice guidelines and the evidence used
19 to support the recommendations made therein.

20 Q. With respect to the specific
21 assertions that are quoted in her report or in
22 general?

23 MS. NOWLIN-SOHL: Object to form.

24 THE WITNESS: I'm sorry, sir. I
25 don't understand.

1 Q. I'll move on. Well, as an
2 example, let's look at page 23, Ettner
3 Assertion 11.

4 A. One moment, sir.

5 (Brief pause.)

6 THE WITNESS: Okay.

7 Q. Does your report address whether
8 that particular study supports the assertion
9 that is referenced or that it -- does it
10 support the assertion that is used as a
11 reference?

12 MS. NOWLIN-SOHL: Object to form.

17 Q. Do you have an opinion about
18 whether Weinforth, 2019, supports the assertion
19 that's quoted in Dr. Li's report, same page?

20 A. Can you restate your question,
21 sir?

22 Q. Do you have an opinion about
23 whether Weinforth supports the assertion -- Dr.
24 Ettner's Assertion 12?

25 A. Yes, sir.

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1 Q. Is that opinion stated in your
2 report?

3 A. So, for example, Dr. Li, on page
4 24, states the other nine studies are all of
5 low quality. And so, in my report I clarify
6 that a low quality is a -- is potentially a
7 term of art that is used in the GRADE approach
8 to characterize one of the four levels of
9 evidence. It is not clear to me how Dr. Li is
10 using that term, and it appears that she may be
11 using it in a nontechnical sense. But to the
12 extent that Dr. Li states at the end of the
13 paragraph, I determined that this reference
14 fails to provide rigorous and consistent
15 statistical evidence supporting the benefits of
16 what she refers to as surgical reassignment,
17 sexual reassignment surgery, I do offer an
18 opinion that that conclusion is erroneous.

19 Q. But you didn't review the nine
20 studies?

21 MS. NOWLIN-SOHL: Objection.
22 Argumentative.

23 THE WITNESS: So, sir, my reviewing
24 the nine studies isn't necessary to reach the
25 opinion that I stated.

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1 Q. But that's a no, you didn't review
2 the nine studies?

3 MS. NOWLIN-SOHL: Same objection.

4 THE WITNESS: I believe that we --
5 that I previously testified that I did not, sir.

6 Q. And you didn't speak with Dr.
7 Ettner?

8 MS. NOWLIN-SOHL: Object to form.

9 THE WITNESS: Again, I have
10 previously testified that I did not speak with Dr.
11 Ettner.

12 Q. So, if you didn't speak with Dr.
13 Ettner, you don't know what she would have
14 considered to be low, medium, very low, or high
15 quality studies, do you?

16 MS. NOWLIN-SOHL: Object to form.
17 Argumentative.

18 THE WITNESS: So, my prior testimony
19 was not about what Dr. Ettner characterized as low
20 quality but what Dr. Li meant by low quality, as
21 the characterization of the studies is not, to the
22 best of my knowledge, Dr. Ettner's but Dr. Li's.
23 And I think that there are grounds in her report
24 to particularly her lack of reference to what she
25 means by low to suggest that she's not using it in

1 the technical sense used by the GRADE approach.

2 Q. Right. So, my -- I started this
3 question by, this whole round of questioning by
4 asking you whether Weinforth, whether you had
5 an opinion about whether Weinforth supported
6 Dr. Ettner's assertion which is quoted in Dr.
7 Li's report. And I think I heard you say,
8 essentially, yes, you do have an opinion about
9 that. Is that correct?

10 A. Yes, sir.

11 Q. And is your opinion that Weinforth
12 does support the assertion of Dr. Ettner?

13 A. My primary opinion is that Dr.
14 Li's determination that Weinforth does not
15 support Ettner's assertion is erroneous.

16 Q. Okay. And that's based on not
17 having reviewed Weinforth, nor spoken with Li,
18 nor spoken with Ettner, to determine what they
19 mean by low quality or high quality or medium
20 quality?

21 MS. NOWLIN-SOHL: Object to form.
22 Argumentative. Asked and answered.

23 THE WITNESS: I don't understand any
24 of the components that you just listed as
25 necessary in order to adequately base my

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1 conclusion that Dr. Li's claim that I determined
2 that this reference fails to provide rigorous and
3 consistent statistical evidence supporting the
4 benefits of SRS as accurate.

5 Q. But you didn't read those studies?

6 MS. NOWLIN-SOHL: Object to form.
7 Asked and answered. Argumentative.

8 THE WITNESS: I believe that I
9 already answered that question, sir.

10 Q. And that was a no, that you
11 didn't?

12 MS. NOWLIN-SOHL: Same objections.

13 THE WITNESS: So, in preparing my
14 report I did not read Weinforth. Dr. Li's report
15 provides sufficient information about the content
16 of Weinforth in order for me to draw my
17 conclusion.

18 Q. Are you offering any opinions
19 about Dr. Li's characterization of the study
20 designs, the outcomes, or the other attributes
21 of the studies that she references in her
22 report?

23 MS. NOWLIN-SOHL: Object to form.

24 THE WITNESS: I have -- in reviewing
25 Dr. Li's report and several of the individual

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1 studies, I have no reason to question that the
2 factual information contained in her appendix B is
3 inaccurate, with the exception of I do think that
4 several of her references are incorrect, such as
5 the years are incorrect, but that her description
6 of the study design, the patient population, and
7 the primary outcomes are generally accurate, or I
8 have no reason to question them.

9 Q. Okay. And you -- in your report
10 you agree, or at least you write that there are
11 few randomized clinical trials of
12 gender-affirming medical care, and the body of
13 evidence is currently appropriately
14 characterized as, quote, low or very low
15 quality. Does that sound like something that
16 you would have written in your report?

17 MS. NOWLIN-SOHL: Object to form.
18 Can we see where that's being quoted from?

19 MR. RODRIGUEZ: Let him answer the
20 question first.

21 THE WITNESS: So, yes, sir, that
22 sounds like a part of my conclusion in my report.

23 Q. And Dr. Li refers to many of these
24 studies as low quality, as you just pointed
25 out. Correct?

1 A. It appears that Dr. Li refers to
2 them as being low quality in a colloquial sense
3 and not necessarily in the technical sense in
4 which I'm using the term.

5 Q. Okay.

6 MR. RODRIGUEZ: All right. So, this
7 is for the witness. Oh, whoops. I wrote on
8 yours. Here you go.

14 BY MR. RODRIGUEZ:

15 Q. If you look at paragraph 18, which
16 it starts on page six, the second sentence
17 there -- oh. I'll wait. Sorry.

18 A. I'm sorry. I don't want to step
19 out of my scope, but did you want to introduce
20 the exhibit?

21 Q. Oh. Sure. Do you recognize this
22 document?

23 A. Yes, sir.

24 Q. And this is a copy of your report.
25 Correct?